

THREATENED AND ENDANGERED
SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. Chairman, regarding the authority of Indian tribes under H.R. 3824, nothing in the Threatened and Endangered Species Recovery Act is intended, or shall be construed to expand, diminish or alter the authority of Indian tribes, as defined in this bill, with respect to the management of fish and wildlife on non-reservation lands.

In Addition, H.R. 3824 repeals the Endangered Species Act critical habitat requirements; however, it preserves the impact analysis requirement at the time of listing. Using language similar to that now located at Endangered Species Act section 4(b)(2), 16 U.S.C. 1533(b)(2), FWS is required to analyze the economic impact and benefit of the listing determination; the impact and benefit on national security of that determination; and any other relevant impact and benefit of that determination. For each listing, the Fish and Wildlife Service analysis may conclude that there is no benefit, or it may conclude that there is a benefit, and that benefit must be based on reasonably ascertainable and calculable data. H.R. 3824 clarifies that the listing decision continues to be made solely on the basis of the criteria enumerated in section 4(a)(1).

H.R. 3824 requires, and the Resources Committee fully expects, that the Fish and Wildlife Service will perform this analysis concurrently with all listing decisions. Further, by expanding the scope of the analysis to include all consequences of the listing (rather than those attributable to critical habitat designation), the Committee expects the impact analyses under H.R. 3824 will be better and more useful than those prepared under current law. This impact analysis requirement will provide not only legal notice, but truly meaningful information concerning proposed listing decisions to all those affected, including individuals, corporations, property owners, State and local governments, the military services, and other Federal agencies. It is expected that this opportunity for greater participation by all potentially affected parties at the front end of the listing process will provide additional assurance that the Fish and Wildlife Service will adequately consider all relevant data associated with each proposal to list a species. Further, the Committee expects that the Fish and Wildlife Service will take advantage of developments that have occurred in genetics testing and other technical advances in the years since enactment of the original Endangered Species Act, to make the most scientifically sound listing decisions possible.

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SPECIES RECOVERY ACT OF 2005

SPEECH OF

HON. C. L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 29, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. Chairman, recently the House of Representatives passed H.R. 3824, the "Threatened and Endangered Species Act of 2005." During floor consideration of this important measure, the distinguished Chairman of the Resources Committee, Richard Pombo, offered an en bloc amendment to the bill. This amendment, which was adopted, included my provision to require the four Power Marketing Administrations, PMAs, to list Endangered Species Act-related costs as a line-item in each of their customers' monthly billings. These agencies—the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration and the Southeastern Power Administration—market the surplus hydropower generated at Federal dams, selling this electricity to 1,450 wholesale customers throughout the Nation. These customers, in turn, provide this federally generated electricity to almost 54 million retail consumers.

The Endangered Species Act substantially impacts Federal electricity service and rates. For instance, the Bonneville Power Administration and the Western Area Power Administration experience high, double-digit compliance costs for Endangered Species Act and related statutes. During a hearing earlier this year, the House Resources Committee found that compliance played a significant role in recent rate increases and led to higher energy costs that were passed directly to consumers.

The Bonneville Power Administration spends the most of all Federal agencies to comply with the requirements of the Endangered Species Act. It also has similar responsibilities under the Northwest Power Act. Many have pushed the agency to increase the accountability of its rapidly growing fish and wildlife programs and to develop measurable performance objectives that will lead to long-term stability and recovery of certain species. The intent of this provision, however, is limited to requiring that the PMAs notify electric power customers how these programs impact their monthly electric rates.

As the bill language in Section 23 makes clear, the agency and the other PMAs shall inform their customers of all the direct and indirect costs associated with meeting Endangered Species Act and other related fish and wildlife obligations. While the PMAs have provided general costs associated with the Endangered Species Act in past years, the agencies have not provided their customers a detailed or "unbundled" explanation of these costs. This section simply gives electricity consumers the right to know how much of their monthly bills are being used to comply with the requirements of the Endangered Species Act and related programs. That enables cus-

tomers to make informed decisions about their energy choices, as well as to better understand the market implications of public policies. Without such information, customers are deprived of the kind of cost signal that is essential to an efficient free-market economy.

It is my understanding that the authorizing committees expect the PMAs to provide a detailed explanation of these monthly costs in a readable and transparent format. It is important that the PMAs consult with their customers before implementing this provision. In addition, it is my understanding that the PMAs can comply with this section without hiring additional staff or upgrading computer systems since it simply involves the creation of new computer billing codes.

Mr. Chairman, in conclusion, I thank Chairman POMBO for including my provision in H.R. 3824. I look forward to working with him and my Senate colleagues in seeing this important bill enacted.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 2005

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following vote on Tuesday, September 27 and Wednesday, September 28, 2005, I would have voted as follows:

Rollcall vote 501: I would have voted "aye" on the Department of Justice Authorization Act, H.R. 3402. Despite passage of the Manager's amendment, this bill does ensure that programs which help prevent violence and assist survivors are continued. I also support provisions in this bill that help local communities with additional resources to provide better support and security to victims of domestic violence.

Rollcall vote 500: I would have voted "aye" on the Democratic Motion to Recommit, offered by Representative STUPAK, which would have given the Justice Department authority to prosecute oil companies engaged in price gouging.

Rollcall vote 499: I would have voted "nay" on the Managers Amendment offered by Representative SENSENBRENNER. The amendment significantly weakens the bill's emphasis on domestic violence grant funding for communities of color. Racial and ethnic minorities already face complex issues in reporting and accessing assistance for domestic violence; we cannot shortchange this population.

Rollcall vote 498: I would have voted "nay" on the Rule for consideration of H.R. 3402, because it did not allow for consideration of many important Democratic and bipartisan amendments.

Rollcall vote 497: I would have voted "aye" on the Motion to Instruct Conferees on H.R. 2360, offered by Representative SABO, which would have prevented the reorganization of the Department of Homeland Security from further weakening federal emergency preparedness capability.

Rollcall vote 496: I would have voted "aye" on H. Con. Res. 209, supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic